

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANA L. QUIROGA,)	
)	
Plaintiff,)	2:10-cv-1366-GMN-RJJ
)	
vs.)	
)	REPORT & RECOMMENDATION
MICHAEL W. CHEN,)	OF UNITED STATES
)	MAGISTRATE JUDGE
Defendant,)	
)	

This matter was referred to the undersigned Magistrate Judge on Plaintiff, Dana L. Quiroga's Application to Proceed in District Court Without Prepaying Fees or Costs (#1) and a proposed Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, attached thereto.

The Court having reviewed this matter makes the following findings:

1. On August 11, 2010, Plaintiff, Dana Quiroga, filed an Application to Proceed in District Court Without Prepaying Fees or Costs (#1) and a proposed Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, attached thereto.
2. On August 31, 2010, the Court entered an Order (#5) scheduling a status hearing for September 29, 2010, at 2:00 PM. Further, the Court directed that the Order (#5) be served on the Plaintiff by certified mail.
3. On August 31, 2010, a copy of the Order (#5) was mailed to Plaintiff by certified mail. *See*, Certified Mail Receipt (#6).
4. On September 7, 2010, the Order (#5) was returned to the Court by the United States Postal Service marked: "Return to Sender Not Deliverable as Addressed Unable to Forward." *See*, Returned Mail (#7).

- 1 5. Plaintiff, Dana Quiroga did not appear for the hearing on September 29, 2010.
2 Further, Plaintiff did not contact the court to request a continuance of the hearing
3 or to provide a reason for his non-appearance.
- 4 6. The Order (#5) advised Plaintiff that failure to appear would result in a
5 recommendation that this case be dismissed.
- 6 7. Plaintiff has failed to keep the Court advised of his current address as required by
7 the Local Rules.
- 8 7. A review of the proposed complaint finds that Plaintiff has failed to state a viable
9 claim.

10 Based on the foregoing and good cause appearing therefore,

11 **RECOMMENDATION**

12 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that is case be
13 **DISMISSED WITH PREJUDICE.**

14 DATED this 4th day of October, 2010.

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19 ROBERT J. JOHNSTON
20 United States Magistrate Judge
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